

OXFORD OBSERVER.

"LOVE ALL, DO WRONG TO NONE, BE CHECK'D FOR SILENCE BUT NEVER TAX'D FOR SPEECH.".....SHAKESPEARE.

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PARIS, (ME.) THURSDAY MORNING, FEBRUARY 23, 1826.

[NUMBER 86

Opinions

Of the Justices of the Supreme Judicial Court of the State of Maine, on Questions propounded to them by the House of Representatives, Jan'y, 1826.

Justice Weston's Opinion.

To the Speaker of the House of Representatives of the Legislature of Maine:

The undersigned, a Justice of the Supreme Judicial Court, having considered the questions submitted by an order of the House of Representatives, passed January 11th, 1826, which have been communicated to him through the Chief Justice, with a desire on his part that the undersigned would transmit his opinion, with his reasons, requests you to make known the following as his answer:

It may fairly be presumed that the framers of the Constitution of Maine, and the people in adopting it, although having before them the Constitutions of the United States and of other States, which were then members of the federal compact, had more especially in their contemplation that of Massachusetts; with the practical operation and effect of which they were familiar. By the frame of government adopted by that Commonwealth, it is provided that every corporate town, containing a specified number of rateable polls, may elect one representative; with the privilege of increasing the number, in a certain ratio prescribed, depending upon the number of rateable polls. In 1811, the Justices of the Supreme Judicial Court of Massachusetts, in their answer to certain questions propounded by the House of Representatives, state that, "because the right of sending a representative is corporate, if the town, by a legal corporate act, vote not to send a representative, none can legally be chosen by a minority, dissenting from that vote." As this was a subject upon which their opinion had not been requested, this intimation had not the weight which belongs to a deliberate judgment upon the point in question; although, considering the high character of those by whom it was made, it was justly entitled to respectful consideration.

In June, 1815, the House of Representatives submitted the question directly to the same Court, "whether a town, having by the Constitution a right to send a representative or representatives to the General Court, can constitutionally and legally vote not to send a representative, and whether such vote would be binding on a minority of voters, dissenting therefrom, in such town." The Court, all the Justices concurring, gave their opinion "that when a town is legally assembled for the purpose of electing a representative, if a vote pass not to send one, the minority dissenting from that vote cannot legally proceed in the choice." They added that, but for the provision which authorizes the House to impose fines upon such towns as neglect to choose; to send a representative, would seem to be a right or privilege, which a town might waive at pleasure, rather than a corporate duty. Their reasoning is to be found at length, at the close of the 15th volume of the Massachusetts Reports. In both Constitutions the language is optional, not imperative; and the power to impose a fine upon negligent towns is not given by the Constitution in the House of Representatives of Maine. This construction of the Constitution of Massachusetts, was well known to the framers of our Constitution and to the people; having been originally communicated to their representatives, published in the newspapers of the day, and also in the Massachusetts Reports, which, besides being in the hands of legal gentlemen, were by law distributed to every town in the Commonwealth. If therefore, those who were deputed to the high office of preparing and presenting a Constitution to the people of Maine, had deemed it expedient to impose an obligation upon the towns to choose representatives, which was not to be evaded, as well as to grant to them the privilege of doing so, it was easy for them to have used language indicative of such intention, which could not have been misunderstood. But when, with a full knowledge of the construction which had obtained in Massachusetts, they use language of the same import, the undersigned is constrained to infer that they intended that, in this particular our Constitution should receive the same construction. Nor does it appear to the undersigned that the variation in the rule, by which our representatives are apportioned, can fairly tend to justify a different conclusion.

But although a town or plantation may thus possess the power to waive their own privileges, it has no legal or constitutional control over those of others; and in order to bring a class or district, composed of several towns or plantations, within the rule adopted in Massachusetts, it would seem that all should concur in their corporate capacity, in the vote not to send a representative. Whenever one town or plantation, belonging to such district, deem it expedient to exercise their privilege, the undersigned is not aware that there is derived from the Constitution, any power or authority in the other towns or plantations in the district to deprive them of it. Their own rights are not thereby impaired; nor have they any just ground of complaint.

In answer to the first question, the undersigned, for the reasons before stated, would respectfully submit it as his opinion, that a town, having a right to choose a representative, has the power to waive that right, and to vote not to choose a representative, and that such vote does bind the minority in such town.

And to the second; that where towns and plantations are classed into districts, for the purpose of choosing a representative, any one or more of such towns or plantations have a right to send a representative, although a majority of the towns or plantations have voted not to send one.

NATHAN WESTON, Junr.

Justice Preble's Opinion.

To the Speaker of the Honourable House of Representatives of the State of Maine:

In compliance with the request, which the House did me the honour to express in their order, passed on the 27th inst. the undersigned now respectfully submits to them the opinions, he has been led to form, on the questions, proposed to the Justices of the Supreme Judicial Court by another order of the House, passed on the 11th inst. with the principal reasons, on which his opinions have been predicated.

The answer to the questions, proposed by the House, depends upon that to another question, whether the right to be represented in the House belongs to the town in its corporate capacity of a town, or whether it belongs, as a personal right, to the individual electors, residing within the boundaries of such town: in other words, whether it be the corporation, that is represented, or the citizens, who reside within its territorial limits. This is a distinction, which,

though it may at first appear to be nice, is not only palatable, but important. A corporation is a mere creature of the law; and there is no such thing, as a corporate right of representation independent, of positive institution. The right of the citizen on the contrary to act by himself or his representative is one of the first and fundamental principles of a free government. It is undoubtedly competent to the citizens to surrender this right, and to vest it in corporations, of which they may or may not be members. But such a surrender is inconsistent with the spirit of a free government. It is not therefore to be inferred from expressions of doubtful import, and, unless it plainly appears from the language of the constitutional charter, that it has been done, the surrender has not been made.

The idea of a corporate representation was derived in this country from the Constitution of the British Parliament; and our ancestors nearly fifty years ago, when the nature of free and representative governments had not been so much the subject of discussion and inquiry, and was not perhaps so fully understood, engrafted it, as it has been held, into the Constitution of Massachusetts. When the people of Maine abrogated that Constitution, in so far as regards this State, the corporate right of representation ceased to exist, unless it was revived by the Constitution of Maine. Prior to the Separation of Maine a construction had been given to the Constitution of Massachusetts in relation to the right of representation by the Justices of the Supreme Judicial Court of that State. It was a construction, operating as a partial check to a growing evil, the increasing number of representatives. But the construction, thus given, was not readily acquiesced in. The Judges expressed their opinion to the House in 1811, and in 1815 we find the House solemnly calling upon the Judges for their opinion upon the same clause. As however a construction had been thus given, if the language of the Constitution of Maine is the same on the same subject matter, as the language of the Constitution of Massachusetts, it must be presumed to have been used with a view to that construction. But if the language used be essentially variant, then the construction, given to the language of the Constitution of Massachusetts, is no guide; on the contrary the difference of expression implies an intention to avoid that construction, and to convey a different meaning.

The language of the Constitution of Massachusetts on this subject is uniform and consistent. "EVERY CORPORATE TOWN may send," "each town now incorporated may send one," "no place shall hereafter be incorporated with the privilege of electing one," &c. "Incorporation was thus made an essential prerequisite to representation." Still treating the matter as a town right and duty, the House of Representatives itself was vested with authority to impose fines on towns, neglecting to send one or more representatives. Contemplating also the probability, that towns would to a very great extent neglect to exercise their right, though the House might consist, and actually, has consisted, of more than six hundred members, sixty only made a quorum for doing business. Moreover, with the single exception that members should be chosen by written votes, no provision whatever is made in relation to the manner, in which the town meetings shall be conducted, who shall preside, or what proceedings shall be had. Excepting also in the solitary case of vacancy occasioned by appointment to office, no provision was made for a vacancy to be filled. Their representation therefore was a representation, properly speaking, not of the electors, as such—not of the people directly, but of corporate towns acting in their corporate capacity—not even of all corporate towns, but of such only, as had the requisite number of rateable polls. As a part of the same system also their representation in the Senate was predicated not on the electors or people, but simply on taxation.

If now we advert to the Constitution of Maine, we find the whole principle changed. The representation in the Senate and in the House is not a representation of taxation and corporate towns, but of electors—the people themselves. The House of Representatives "shall consist" of a fixed number, to be determined within certain limits by the Legislature, "to be elected," not by the corporate towns acting in their corporate capacity, but in the same manner, and at the same time, and by the same persons as the Governor and Senators, "by the qualified electors." Nothing less than "a majority" of the whole number, as fixed and determined by the legislature, "shall constitute a quorum." If a vacancy happen "by death, resignation, or otherwise," provision is made that "it may be filled by a new election." The principle of incorporation, as a prerequisite to the right of representation, is no where recognized. On the contrary the words "corporate" and "incorporated," which so often occur in the Constitution of Massachusetts, are studiously omitted. The number of representatives is to be "fixed and apportioned among the several counties as near, as may be, according to the number of inhabitants." But, as the number of representatives, fixed and assigned to any county, would be large, and as it was desirable, that a member should be elected from every considerable section of the county, so that the House might be enabled to derive from its own members all necessary local knowledge; and in order that the people in every section might act with greater intelligence in the choice of their representative, and elect a person from among themselves, with whom they were personally acquainted, the counties were subdivided into districts, each town, having the requisite population, to constitute of itself a representative district, and towns and plantations, not having the requisite population, to be classed into districts containing the requisite population. And here the undersigned would beg leave to quote the language of the "Address," published by order of the Convention, that framed the Constitution. "Thus the great sections of the State, the several counties, 'actuated to a certain extent by a community of interests, have their due weight according to their population.'" "On any practicable system there will be fractions, and the representation of course partially unequal. If under the system, adopted by the Convention, the large towns having their full representation, it is preserved in the county, of which they are a part. They have their representatives; and even their fractions, which would otherwise be lost to them, are represented through the smaller towns of their county, who can seldom have an interest at variance with their own." In accordance with the same views is the language of the Resolve of March 22, 1821, apportioning the representatives in the several counties, towns, and plantations, and classes. "Resolved, That the county of York shall choose twenty-three Representatives, apportioned in the following manner:—County of Cumberland shall choose twenty-five Representatives, &c. Hence it is manifest, that, if the majority of electors present at a constitutional meeting, held for the election of Governor, Senators, and Representatives, can by a mere

vote not to proceed in the election deprive the individual electors of their personal constitutional right to give in their votes for Governor, Senators, and Representatives, such majority thereby not only waive their own right to vote, but deprive the minority from exercising their individual electoral privileges; and in regard to the election of representatives, they also, at the same time waive the rights of the electors in other towns and districts, and deprive the county of a portion of its representation. In all our reasonings upon this subject, we should never lose sight of the consideration, that the voter sustains two relations, that of an inhabitant of the town, &c. and that of an elector under the Constitution. Because these two relations are sustained by the elector, he sometimes mistakes the capacity in which he is acting; and sometimes attempts to bring the power, he possesses as an inhabitant, to control or neutralize the power of his neighbour, possessed by that neighbour in his electoral capacity. But these two classes of powers are essentially distinct, and never can be brought to bear the one against the other. Hence it is, that in constitutional meeting a majority of the electors cannot vote 'not to vote for Governor,'—'not to vote for Senators,'—'not to vote for a Representative,' so as to deprive the minority from casting their votes for either of those officers. This position will be readily granted, it is presumed, so far as relates to the choice of Governor and Senators, but it is denied, as it relates to representatives. If there be a distinction, the undersigned has not been able to discern it, nor can he perceive any adequate reason why such a distinction should have been introduced. Every individual elector has a deep interest in being represented in the House of Representatives, to whom is confided the trust of the people, and in whom is vested so large a portion of the state sovereignty, in the faithful, and judicious, and wise exercise of which, every individual of the community is concerned. That provision therefore of the Constitution, as already intimated, must be plain, which authorizes one or more electors by combining, not only to waive their own right, but to preclude others, contrary to their wishes, from the exercise of theirs. It is not in the power of the whole legislature, though representing the sovereignty of the State, to take away the electoral right, or to prevent its exercise, or even to modify it. These principles may be admitted, but application to the question under consideration denied; because, as it has been said, the electors in voting for representatives act in their capacity of inhabitants of towns or plantations. But that is assuming the very question at issue. If the right of representation is the corporate right of towns and plantations, for plantations too, it has been said, have their corporate right of representation, why is not the right of the several counties to their representation in the Senate the corporate right of the counties? "The counties are but larger corporations," may, like representative districts, they are districts, composed of towns and plantations. Why then may not each town and plantation in the Senatorial district vote in their corporate capacity not to choose Senators, and thereby prevent and preclude the minority in such towns and plantations from casting their votes for Senators? The electors are assembled in town and plantation meetings, the same officers preside, and counting the votes, the same declaration is made in open meeting, and the same record of the proceedings is made in the town and plantation books. Does the distinction, said to exist, arise from the circumstance, that in a town possessing the requisite population to entitle the qualified electors within its limits to elect a representative, all the electors attend at the same place, in the same town meeting, and have their proceedings independent of the proceedings in other towns? This cannot be the ground of the supposed distinction, because it does not apply to the case of classed towns and plantations; nor, if it did apply, would it have any bearing upon the questions, proposed by the House. It had long been an established law and usage in this State, for the people in their primary assemblies to meet, and act, and vote, in town and plantation meeting; and towns and plantations had their municipal officers, whose duty it was to preside in and regulate those meetings. The Convention therefore, which framed the Constitution, wisely availed themselves of this long accustomed and familiar mode of proceeding in our primary assemblies, and this organization of our towns and plantations, not for the purpose of vesting in towns and plantations in their corporate capacity the right of representation, but for the purpose of collecting in a manner, the most convenient, expeditious, and unexceptionable, the votes of the qualified electors for Governor, and for Senators, and for Representatives. It was for the same obvious reasons, that towns, possessing the requisite population, were made representative districts by themselves without being associated in the election with other towns. With the same views and policy, we find, they have inserted a provision, that in making a representative district, no town shall be divided. That towns, having the requisite population to entitle the qualified electors to choose one or more representatives, are regarded as representative districts with the same privileges and the same powers, as other representative districts, possessing, as districts, no other or greater privileges and powers, would seem to be a position, which we might take for granted; for otherwise, there is a grant of special privileges to one town in its corporate capacity as a town, which are denied to all other towns, classed into representative districts, and the qualified electors in some towns are laid under special disabilities, which are not imposed on the electors in other towns. Further, if the language of the Constitution must be construed to vest the right of representation in unclassified towns in their corporate capacity; as the same, identically the same language, is used in regard to districts, "each town may elect," "each district may elect," representative districts would seem also to become for this purpose corporations, clothed with the corporate right of representation. The analogy, existing between senatorial districts and representative districts, has already been noticed. That analogy holds in a still more important particular. In both cases the choice is determined by a majority of all the votes thrown without the least regard to the circumstance, whether they were thrown in this town, or plantation, or that it is manifest therefore, that the electors vote in their individual electoral capacities, and not in the capacity of corporations, or inhabitants of towns and plantations. When voting in their capacity of inhabitants or corporations, the vote of the majority is the voice of the town or corporation; and no inquiry whether the majority was great or small is instituted, because, whether great or small, its legal effect and efficacy is the same. If then the towns and plantations, constituting a representative district, were to vote each in their respective corporate capacities, he only would be elected, who should obtain a majority of votes in

a majority of those towns and plantations; for then, and then only, would he have a majority of the corporate votes. The moment we depart substantially from this mode, and ascertain the result of the election in the manner, prescribed by the Constitution, as already mentioned, we, as a necessary and inevitable consequence, totally depart from the doctrine, that in a representative district the right of representation is vested in common in the several towns and plantations in that district in their corporate capacity. In a representative district therefore, if the right of representation be a corporate right, it is vested in the district itself, as a corporation, and not in the several towns and plantations, of which that district is composed. That the right of representation in the Senate is not vested in a senatorial district in its corporate capacity, and that the right of representation in the House is not vested in a representative district in its corporate capacity, where that district is composed of several towns and plantations, are positions, which the undersigned presumes, he may take for granted; and on these points he forbears attempting any further elucidation.

No inference, it is believed, can be drawn in favour of the position, that the right of representation is a corporate right, vested in towns, from those provisions of the Constitution, which require the votes to be given by the qualified electors in town meeting, that "the Selectmen shall preside," and that the votes shall be recorded by the "town Clerk," and "in the town books;" for the same argument would prove, that the electors acted in their capacity of Inhabitants or Corporators, when voting for Governor and Senators. Nor can any such inference be drawn from the use of the word "town" in such expressions, as "each town may elect," for this is only an abbreviated mode of expression in common and familiar use, meaning the qualified electors in the town may elect; as it is said the town gave so many votes for Governor, the county chose its Senators, the district a Representative, and the parallel expression, "each district may elect." And, as has already been suggested, if that expression proves that an unclassified town in choosing a representative acts in its corporate capacity, the same expression would prove, that a representative district in choosing a representative acts also in its corporate capacity; whereas, so far from acting in that capacity, it is not even a corporation.

It may perhaps be said, that the Constitution by the word "may" in the expression "each town may elect" leaves the town at liberty to elect or not to elect, as it may please; and hence, it is inferred, the town in determining the question, whether to elect, or not to elect, must act in its corporate capacity; and so, if it proceed to elect, it does so in its corporate capacity, and the right of representation is a corporate right. That a town has, and a representative district has, in a constitutional sense, and in a constitutional manner, a right to determine whether they will elect or not elect is admitted; but the inferences, that are thus attempted to be drawn are denied. If "to elect or not to elect," is at the option of the town, in its corporate capacity, it is a constitutional privilege, and no penalty can ever be imposed, or fine exacted for declining or refusing to elect. It has already been stated, that, as by the Constitution of Massachusetts it was the "corporate town," which had the option to elect or not to elect, and by which also the election of a member was to be made, so by an express provision of the same Constitution the House was vested with power to impose fines upon any delinquent town for neglecting to choose and return a member. The studied omission of the epithet "corporate" in our Constitution shows, that the word town is used in its popular, and not in its corporate acceptance. This latter acceptance of the word, it is believed, is not the most usual one even among ourselves, and at the same time is almost peculiar to the northern States. If it were important, that the power to impose a fine on a delinquent town should be possessed in Massachusetts, how incomparably more important is it, that it should be possessed in Maine where the whole number is fixed or limited, and comparatively small, and where also a majority of the whole is necessary to constitute a quorum. The total omissions of the clause giving the power to fine, can only be accounted for on the position already assumed, that the word "town" is used, not in its corporate, but in its popular acceptance; for, the word being used in this latter sense, the town in its corporate capacity has nothing to do with the election, and therefore cannot be guilty of any neglect of duty in relation to the subject. And this leads us to the true meaning and force of the word "may," as used in the clauses, "each town may elect, &c." "each district may elect, &c." In some of the ancient republics, it is said, every citizen, entitled to vote, was obliged to vote in questions, which came before the people; but under our free governments to compel an elector to vote against his will would be an anomaly in legislation. The "qualified electors" therefore may, by common consent or by accident absent themselves from the polls, or the electors present may cast their votes, and no one of the candidates, voted for, receive a majority of all the votes thrown. In either case no election is made. But these, and these only, are two modes, in which the qualified electors in unclassified towns, and in representative districts, can in a constitutional manner decline or refuse to elect. So also in regard to the election of Governor and Senators the same principles apply, saving only in the case of candidates not receiving a majority of the votes thrown, further provision is made. The words "may elect" therefore merely indicate the rights and privileges of individual electors in their electoral capacity, and have no reference to any supposed corporate right of representation. If the word "shall" had been substituted by the Convention for "may" in these expressions, it would have better answered the purposes of an argument in support of this supposed corporate right; for then it might have been urged, that it was not only a corporate right, but a corporate duty to elect; and that it was competent for the Legislature to enforce the performance of that duty by fines and penalties, fixed and established by law; but, as the clause now stands in the Constitution, no fine, as has already been suggested, can be imposed. The phrase "may elect" therefore militates against the doctrine of corporate representation, rather than countenance it. Considering the modes and manner, in which it must occur, if it occur at all, the Constitution of Maine does not contemplate the case of a town or district declining to elect; least of all does it contemplate such a proceeding, as that of a town in its corporate capacity voting, that the qualified electors shall not elect. Such a proceeding is contrary to some of its express provisions, and at variance, it is believed, with the spirit of it, which have any bearing on the subject. Of these, I do not wish to be noticed by the undersigned on this occasion, as deserving of more particular consideration. It is ordained, "that the Selectmen," the presiding officers "shall receive the votes of all

FRIDAY, Feb. 10.

The undersigned is therefore of the opinion that
1st. A town, having the right to choose a Representative, has not the power to waive that right, and vote not to choose a Representative, and such vote would not bind the minority in such town. And
2dly. Towns and plantations, classed into districts for the purpose of choosing a Representative, have a right to send a Representative, notwithstanding a majority of the towns and plantations have voted not to send one.

WILLIAM PITT PREBLE.

JANUARY 31, 1832

IN THE SENATE

That the Joint Standing Committee on Literature and Literary Institutions be instructed to acquire into the library of adopting measures to procure such books and other publications as may enable the members of the Legislature and other persons connected with the Government of this State to obtain, at any time, necessary information in relation to any subject upon which they may be called upon to act in the discharge of their official duties, and to lay the foundation of a library for that purpose, were generally read and passed in concurrence.

and he must therefore at once employ his soldiers, and employ them in some object conformable to their wishes. The effect of such a step

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lead, they would have actually made a breach through it—the wall was 13 inches thick."

DETROIT, Jan. 10.

majority.

THE OBSERVER.

PARIS, (ME.) THURSDAY, FEB. 23, 1826.

In this paper we have completed the publication of the opinions of the Judges of the Supreme Court, with respect to the questions submitted to them by the House of Representatives, sometime since. In doing this, we have excluded considerable other matter. But, as there are different opinions among Judges, as well as other men, we presume that both sides of the question will be read with interest. Perhaps we never saw a time when the old adage—"who shall decide, when Doctors (Judges) disagree?" could be used with more propriety.

We learn that the House of Representatives decided by a majority of about 60 votes, that Mr. Strout, the member from Limington, &c. was entitled to his seat, thereby evincing their preference for the opinion of Judge PREBLE.

MAINE LEGISLATURE.—The Legislature of this State still continues in session. The business which has been dispatched of a public nature, as yet, is very limited; at least in amount. Would it not be for the interest of the State to have the Legislature meet in May or June, when the length of the days would afford the members time to transact a little business? At this season of the year the days are short, and generally cold; consequently, the State must be at the expense of keeping good fires with wood at five dollars per cord; and still many of the members are half frozen, and some quite torpid; and if they once get warm, they hardly know when or where to make a stop. It may be urged on the other hand, that should they meet in May or June, many of the members would be dull and sleepy. This, perhaps, might be the case; but at the same time we would submit it to the good sense of the people, whether we have derived more benefit from a large part of our winter Sessions, than we should have done if some of the members slept soundly. It would certainly have been one advantage—we should have had some sound Legislators.

LIVERMORE BANK.—We perceive by the journals of the Legislature, that the Petitioners for a Bank at Livermore are likely to succeed. We have no doubt from what we can otherwise learn on the subject, that the Stock will be very readily taken up; although the Hon. Mr. Williams, of Kennebec, wished to effect an amendment to the Bill, by making a certain number of the Petitioners become stockholders in the Bank to the amount of at least \$500. We suspect that the Hon. gentleman must have been governed by selfish motives wholly, or he never would have made a motion of this kind—it is often the case that men, who petition for a Bank, never expect to be stockholders. Do all the Petitioners for the Bank at August, mean to be stockholders? According to the theory of the Hon. gentleman from Kennebec, they should be.—It is very possible that both projects, when carried into effect, will cause some stoppages—perhaps August Bank Bills will not circulate quite so freely in Livermore and its vicinity.

STATE PRISON.—Through the politeness of a friend at Portland, we have been furnished with "a general statement of the affairs of the Maine State Prison, January 2, 1826." By which it appears, that on the 7th of January, 1825, the number of convicts were 53.—39 were discharged the past year, 3 pardoned, and 1 escaped—leaving 16 in prison. During the same period 56 were received, which makes the whole number 72. There were 56 committed for larceny—2 for counterfeiting, or having counterfeit money in their possession, with intent to pass the same—3 for manslaughter—2 for adultery—1 for adultery and lewdness—4 for lewdness—1 for assault, &c. and 2 for forgery.

The whole amount of the expenses for the prison, was \$9,571 45. The whole amount of income, was \$9,294 71—leaving a balance against the prison, of \$276 77.

CONGRESS.—has been busily engaged for several days in discussing what may be termed the Panama question. Considerable time has been spent in deciding whether the House of Representatives should call on the President for all the information he had on the subject, or only for what he was pleased or saw fit to give them. We suspect it will make very little difference with the President which way the call is made. That our readers may understand the subject a little better, we give the words of the Resolution, which are as follow:

"Resolved, that the President be requested to cause to be laid before this House, so much of the correspondence between the Government of the United States, and the new States of America, or their Ministers, respecting the proposed Congress, or meeting of Diplomatic Agents at Panama, and such information respecting the general character of the expected Congress, as may be in his possession, and as may, in his opinion, be communicated without prejudice to the public interest; and also to inform the House, so far as in his opinion the public interest may allow, in regard to what objects the Agents of the United States are expected to take part, in the deliberations of that Congress."

Mr. INGHAM of Penn. offered to amend the above resolution, by striking out "so far as in his opinion the public interest may allow." The following are the observations of Mr. SPRAGUE on the subject:

Mr. SPRAGUE, of Maine, said he did not rise to discuss the subject of the Panama Mission, under the present motion, but because the question before the House presented itself to his mind, in a different view from that which other gentlemen had taken of it. The gentleman from Pennsylvania, (Mr. INGHAM), the mover of the amendment, has told us that the question is, "Shall we have more or less information?" Is it so? Why do we request the President, instead of directing or commanding him? Is it not because we have no right to command him; because he is as independent in his sphere as we are in ours? He is

bound to execute his high trust in the manner which, in his sober judgment, shall best conduce to the interests of the nation. Suppose, then, we request the President, in the most unqualified terms, to send us all the information; and he, with the whole before him, shall firmly believe that, to disclose it, would be of essential injury to the public interests, or violate our faith to foreign nations—would he not be bound, in the discharge of his duty, to withhold it? If, then, the President shall perform his duty, and I firmly believe that he will conscientiously and independently, the same information will be communicated whether the qualifying clause shall be stricken out or not. The extent of information to be obtained does not depend upon the terms of the resolution. Still I do not consider the phraseology a matter of form only; and, if it did appear to be so, it would not be wise, unnecessarily to depart from the established forms of official intercourse. Such a deliberate departure, at this time, must indicate something—I need not say what. I apprehend that the clause, now proposed to be stricken out, was originally adopted by the members of the House not only because it was respectful to the Chief Magistrate, but, also, out of respect to themselves. They would not subject themselves to the imputation of asking the President to do that which it might be his duty to refuse—they, therefore, used such language as restricted the request within its proper limits, and left to the Executive the free exercise of his legitimate powers. Why should we now depart from a precedent so long established? It is answered that this is a new case. The same may be said of every question under any new circumstances. If this identical case has not before arisen, there have been many so similar and analogous as to govern the present. This refers only to our foreign relations, and missions deeply affecting those relations have been of frequent recurrence. Again it is said that we should disregard precedent, because this is a subject of transcendent importance. If the view which I have taken be correct, the importance of the proposed mission has no bearing upon the question, since the extent of our information will not be affected by the amendment. But, is this a matter of such importance? was there never a case of equal magnitude in our history? It is said we were about to change our national policy. Of this I can see no evidence, and do not believe it. If it were so, is the question, whether we shall change our policy? of greater magnitude than was the original question, whether we should first adopt it? When, during the late war, commissioners were empowered to negotiate for Peace, and form a treaty which might affect all the vital interests of the nation, was it a matter of less importance to us than the sending of ministers to Panama? I cannot consider this subject of such overwhelming magnitude as gentlemen have represented it. I see nothing in the present conjuncture that imperiously necessity which disregards all law and all precedent: and believing that the proposed amendment will produce no good, but much evil, I shall vote against it.

[The motion for amendment was negatived by a vote of 98 to 71.]

REMARKABLE COLD DAYS, since 1810.—Cold Friday, Jan. 19, 1810: Cold Tuesday, Jan. 21, 1815: Cold Friday, Feb. 14, 1817: Cold Wednesday, Jan. 24, 1821: Cold Tuesday, Dec. 13, 1825: Cold Tuesday, Jan. 31, 1826, and cold Wednesday, Feb. 18, 1826—making seven very cold days in sixteen years.

On Tuesday, Jan. 31, 1826, the Mercury fell 40 degrees below Zero; on the following morning, at Quebec, it was at 38 degrees.

We have been furnished with an *Abstract of a Journal of the Weather*, for the month of February, for the last twenty-five years, from which we make the following extracts. They may be interesting to some, and perhaps valuable to many of our readers, as they may be enabled to fix the time of some other events, by knowing the particular day on which was a very high wind, or a great snow-storm, &c.

Feb. 1, 1800, quite a snow storm: 3, clear and very warm: 4, a blustering storm of snow in the forenoon; hail and rain in the afternoon, which makes a sharp snow crust: 5 & 6, some snow, rain, fog and misty: 8, becomes clear and cold; continues cold and cloudy, with some wind, to the 14th at dusk, when there comes on a violent storm of snow: 16, becomes pleasant weather, and continues pleasant and warm for several days: 22, very clear and warm: 23, some snow: 24, foggy and warm; a shower just at night, and a very bright rainbow: 25, cloudy and cold: 26, cloudy and very cold: 27, clear and cold: 28, pleasant.

[Note. The market-price of corn in the vicinity of Oxford County, Feb. 14, 1800, was 5 shillings per bushel; wheat 10s.; rye 8s.; oats 3s.; potatoes 2s.; salt 8s.; rum 7s. 6d. per gallon; molasses 4s.]

Feb. 1 & 2, 1801, pleasant days: 3, 4 & 5, stormy, and very blustering part of the time: 6, very pleasant: 7, stormy: 8, clear and blustering: 9, a very cold storm of snow: 10, clear and pleasant: 11, cloudy and very cold: 12, blustering: 13, very pleasant: 14, very blustering and stormy; good weather continues to the 18th, then some rain: 19, very warm: 20, very warm: 21, some snow and squalls, and very cold: 22, clear: 23, very warm: 24, some rainy: 25, cloudy and very warm: 26, 27 & 28, clear and very warm.

[TO BE CONTINUED.]

TO CORRESPONDENTS.

The favour of 'Edwina' will be inserted next week. We have also received some more poetic effusions from the pen of 'ORTONIA,' which we shall with pleasure give place soon.

Married.

In this town, on Monday last, by Asa Barton, Esq. Mr. HENRY KIVOR to Miss SOPHIA SMITH.

In Hebron, by B. Myrick, Esq. Lieut. Job Morton to Miss Rebecca Glover.—By Rev. John Tripp, Mr. Silas Maxim, Jr. of Paris, to Miss Hannah Packard, of Hebron, after a short courtship of only ten years.

Died.

In New Portland, 9th inst. Miss Rhoda Atwood, aged 23 years, formerly of Livermore.

In Litchmond, (Mass.) Hon. Nathaniel Bishop, aged 76. He was one of the framers of the original State Constitution, and for a number of years was Judge of the Court of Common Pleas and Register of Probate.

In Hubbardston, (Mass.) Mr. James Thompson, aged 83.

In Germantown, (Penn.) widow Dorothy Somerlot, aged 101. She made her own shroud, 30 years ago—and when opened, it was found decayed beyond all possibility of use!

In New-York city, Mrs. Margaret Kilne, aged 105.

In Portland, Hon. John Frothingham, aged 76, for many years a Counsellor at Law in that town, and one of the Judges of the Court of Common Pleas from 1804 to 1811, at which time that Court was dissolved.

In Greenfield, (Ms.) Mary Newcomb, wife of Col. R. E. Newcomb, and only surviving daughter of Joseph Warren, who was killed at the battle of Bunker Hill. She inherited the personal, as well as mental qualities which are said to have characterized that distinguished patriot.

At Portsmouth, (N. H.) Jonathan Payson, Esq. Postmaster, aged 74.

At Haverhill, Mehitable, widow of the late Joseph Haynes, Esq. aged 98.

At Methuen, Mr. James Fry, aged 86. He was the oldest son of Gen. James Fry, late of Andover, and nephew to Rev. Jona. Fry, who was chaplain in the company under Capt. Lovell against the Indians, and died near Pigwacket.

SALE AT AUCTION.

On Saturday the 25th instant, at 10 of the clock in the forenoon, at the Store of J. & F. BEMIS, in Paris, will be sold at Auction

7 elegant SILVER WATCHES;
6 LUXURIOUS GOLD WATCHES;
3 doz. WATCH KEYS;
4 doz. WATCH CHAINS;
2 doz. elegant GLASS SEALS;
8 doz. SILVER WATCH CHAINS;
6 doz. BROACHES;
6 cards BEADS.

Also—A great variety of JEWELRY, too numerous to be inserted in an advertisement.

Also—5 flasks first rate RIFLE POWDER;
1 piece FLAC SILK HANDKERCHIEFS;
1 piece FACTORY COTTON CHECK;
A Lot of BOOKS, &c.

Terms—Cash, on delivery of the articles.
THOMAS WEBSTER, Auctioneer.
Paris, Feb. 21.

LOTTERY NOTICE.

THE Cumberland & Oxford Canal Lottery will draw on the 4th day of March next. Now is the time to call at the Oxford Bookstore, and purchase Tickets, either in wholes, or parts.

Price—Wholes \$4 50; Quarters \$1 25; Eighths 62 1-2 cents.

NOTICE.

At a Regular Communication of PYTHAGOREAN LODGE, holden at Fryeburg, on the 2d Thursday of February, 1826—

Voted unanimously, that MOODY M. MERRILL, for gross immorality, intemperance, and fraudulent practices, be expelled the Pythagorean Lodge, and that the Secretary cause a copy of this Vote to be published in the Oxford Observer, printed at Paris.

A true copy from the Records,
Attest, JAMES W. RIPLEY, Sec'y.

HEBRON ACADEMY.

THE Spring Term in Hebron Academy, will commence on the thirteenth day of March next, under the care of Mr. SIMEON PERKINS, A. M. who gave such general satisfaction to the Superintending Committee and Students the last Term.—Youths of both sexes are again invited to try the advantages of this Institution.

JOHN TRIPP, Secretary.
Feb. 14, 1826.

NOTICE.

ALL persons are hereby cautioned against purchasing a Note of hand, given by the subscriber on the 8th day of December, 1825, payable to BETH PERKINS, or order in March next, for the sum of six dollars—as I have received no consideration for the same.
AMOS FULLER.
Paris, Feb. 21.

PARTICULAR NOTICE.

IN consequence of new arrangements made by my employers, I am under the imperative necessity of informing all who are indebted to the Oxford Bookstore, (except for the Observer), that their Notes and Accounts which have now become due, must be paid by the 25th instant. All remaining unpaid after that date will be taken out of the hands of the subscriber.
ASA BARTON, Agent.
Paris, Feb. 7.

G. C. LYFORD

RESPECTFULLY informs his friends and the public, that he has resumed the Retailing business at the Store he formerly occupied in Court-street, (and more recently improved by G. W. Goodwin,) where he has received and will receive in the course of the present week, a great variety of Fresh and New GOODS—consisting of blue, black, claret, mixt and drab BROADCLOTHS—blue, mixt and fancy coloured CASSIMERES—Toiletine, Valencia, swansdown and black silk Vestings—plain and fig'd Bombazettes—white, green, yellow and red Flannels—new and fashionable Calicoes, Furnitures and Copperplates—white, black and cold Cambrics—Tartan and Scotch Plaids—scarlet Rattinetts—plain and fig'd Book Muslins—elegant Swiss Muslins—Cambric do.—Long Lawns—Linen Cambrics—fig'd and checked do.—real and imitation Merino Hds.—black, plaided and fancy Silk Hds.—India and German flag do.—blue and yellow Cotton Flag do.—spotted, checked and Berkeley Neckkerchiefs—real Merino Shawls and Mantles—raw silk Mantles—Bobbinnett & Mecklin Laces—plain mecklin and bobbinnett Laces for veils—white and coloured pressed Crapes—black, white, and green Italian Crapes—Crape Shawls and Dresses—Gauze Veils—broad black Bombazines—Irish Linens—brown and black Linens—mourning Calicoes and Gingham—women's black and slate Worsted Hose—black and white Silk Hose—beaver, kid, horse skin and silk Gloves—children's Gloves—gentlemen's beaver, buck and doe Gloves—black and coloured double chain Levantines—black Sinclaws and Sarsnetts—changeable, plaid and green Silks—figured Silks—Carolina Plaids—Cassimere Shawls—cotton Shawls—linen and damask do.—linen damask Table Cloths—Lingham made cotton Umbrellas—black ostrich Plumes—great variety garniture Ribbons—black and coloured lustrous Ribbons—common and trimming Tapes—chainett Gimps—piping Chords—habit Buttons—gentlemen's coat and vest Buttons—black, blue and coloured Sewing Silk—hall and common Twist—camlet and twist Buttons—Hall's sewing Cottons, spool Cottons—floss Cotton in skeins and spools—pearl and thread Shirt Buttons, &c. &c.

—ALSO—

10 Pieces Sattinets; 4 bales Factory Gingham—4 bales brown Sheetings—3 do. brown Shirtings—2 bales Bedtickings—Sea Island Shirtings—fine and common bleached Sheetings—5-1 brown Sheetings—3-4 and 4-1 Checks—Knitting Cottons, &c. &c.

Likewise—Warp and Filling YARNS of the Executor Factory, all numbers, and warranted.

N. B. The above GOODS were purchased very low, and will be sold as cheap as Goods ever were at the "Cheap Store." Purchasers are requested to "call and see."

Portland, Jan. 17, 1826.

NEW TAVERN.

THE subscriber informs his friends and the public, that he has opened a PUBLIC HOUSE, in Norway Village, between the Hay Scales and the Universalist Meeting-house, where he has all the accommodations which are convenient to the Traveller, and which he will afford on as low terms as any other innholder. He solicits the public patronage; and means by assiduity and attention to deserve it.

INCREASE ROBINSON.
Norway, Jan. 25, 1826.

COLLECTOR'S NOTICE.

NOTICE is hereby given to the non-resident Proprietors of the following lots of Land, lying in Paris, in the County of Oxford, and State of Maine, that they are taxed in the bills committed to me the subscriber, to collect for the year 1824, in the following sums, to wit:

Names.	Lot.	Range.	No. of Acres.	Value.	Tax.	Def. of Range.
Josiah Bartlett,	20	1	50	100	1 65	
Bailey Bodwell, part,	6	1	20	60	90	
Unknown,	29	3	100	150	2 48	2 15
Do. East part,	5	6	50	100	1 65	1 43
Do. N. part,	25	7	100	200	3 30	2 67

And unless said taxes and all intervening charges are paid to me the subscriber, on or before Wednesday the twenty-ninth day of March next, at one o'clock in the afternoon, so much of said lots will then be sold at the Court-House in Paris, as will pay the same.
CYRUS HAMLIN, Treasurer and Collector.
Paris, Feb. 11, 1826.

COLLECTOR'S NOTICE.

NOTICE is hereby given to the Proprietors of the Lands herein after mentioned, in the town of Bethel, County of Oxford, that the same are taxed in the bills committed to me the subscriber, for collection, for the State, County and Town, and School Taxes for 1825, and for deficiency of Highway Tax for 1825, in the respective sums following, to wit:

Proprietor's name.	Range.	No. of Lot.	No. of Acres.	State & Co. Tax.	Town & School Tax.	Deficiency of Highway Tax.	Total.
N. Bigsby,	1	9	100	12	26		38
Do.	1	10	100	14	29		43
Unknown,	1	12	100	12	26	64	1 22
J. Walker,	1	13	50	6	13		19
C. Studson,	1	21	100	16	34		50
Unknown,	2	4	100	12	26	64	1 22
Amasa Clark,	2	15	100	12	26	64	1 22
Unknown,	2	16	100	10	21		31
Wm. Reed,	2	17	100	12	26		38
A. Gage,	2	19	100	12	26		38
Wm. Reed,	2	21	100	10	21		31
J. Grover,	2	23	75	10	21		31
E. Richardson,	2	26	100	12	26		38
Wm. Russell,	3	4	100	12	26		38
N. Bigsby,	3	9	100	10	21		31
Unknown,	3	11	100	16	34	29	79
Do.	3	12	100	6	13	35	54
D. Groat,	3	20	100	12	26		38
Little,	3	22	80	6	13		19
E. Rowe,	3	24	100	14	30		44
Unknown,	3	26	100	12	26		38
I. Town, agt.	3	27	100	14	29		43
Unknown,	4	3	100	8	17		25
Do.	4	2	100			20	20
J. Ellenwood,	4	24	50	10	21	30	61
C. Twichell,	8	28	100	12	26		38
E. Rowe, agt.	9	30	50	10	21		31
D. Groat,	9	29	100	10	20	44	74
E. Chapman, agt.	10	25	100	14	29		43
Unknown,	10	27	20	3	6		9
Do.	11	20	32			20	20
Do.	11	21	28			20	20
Do.	11	22	20			16	13

Unless said taxes and all necessary intervening charges are paid to me, the subscriber, on or before Monday the twenty-seventh day of March next, so much of said land as will satisfy the same, will then be sold at Public Auction, at the Store of O'NEIL N. ROBINSON, in said Bethel, at one of the clock in the afternoon of said day.

AARON MASON, Collector.
Bethel, Feb. 3, 1826.

To the Hon. Benjamin Chandler, Judge of Probate, of Wills, &c.

WE the undersigned, your Petitioners, heirs in common to the Estate of AMOS TRASK, late of Dixfield, Gentleman, deceased, humbly sheweth, that we wish to hold our shares of said real estate in severalty, according to our respective ownerships. We therefore pray that your Honour would order a division of the same, as the law in such cases provides.

PETER TRASK,
SILAS BARNARD,
BENJA. CHAPLIN,
MOSES PARK,
Dated at Dixfield, Jan. 23, 1826.

At a Court of Probate held at Paris, within and for the County of Oxford, on the twenty-fourth day of January, in the year of our Lord eighteen hundred and twenty-six—

UPON the foregoing Petition, ORDERED—That the Petitioners give notice to all persons interested, by causing a copy of said Petition with this Order thereon to be published three weeks successively in the Oxford Observer, printed at Paris, that they may appear at a Probate Court, to be held at Paris, on the fourth Tuesday of March next, and shew cause, if any they have, why the prayer of the Petitioners should not be granted.

BENJAMIN CHANDLER, Judge.
A true Copy of the Petition and Order thereon.
Attest, THOMAS WEBSTER, Register.

BLANKS.

CONSTANTLY on hand, and for sale at the Oxford Bookstore:

Warrantee, Quitclaim, and Mortgage Deeds;
Collectors', Sheriffs', and Administrators' Deeds;
Sheriffs' and Constables' Bail Bonds;
Town Orders;
Town Clerks' Certificates of Publication;
Blanks for Surveyors of Highways;
Collectors' Receipts;
Blank Notes, &c. &c.

Also—A good assortment of Attorneys' and Justices' Blanks—on reasonable terms.

Feb. 23.

POETRY.

FROM THE U. S. LITERARY GAZETTE.

A SIMPLE STORY.

There never was a gentler creature,
In city, village, or in town,
Or one of lovelier heart and feature,
Or better taught, than Anne Brown.

Her step was like the antelope's,
Her eye beam'd like a startled kid's,
Her cheek soft blushing with the hopes
That youth into existence bids.

The village loved her, friendship hush'd it;
And if the tale of slander came,
Both old and young rose up and crush'd it,
And fixed on other cheeks the shame.

'Twas seldom needed—female virtue
Has in itself protection strong;
And maidens, if the viper hurt you,
It must be ye are in the wrong.

There came one day to woo the maiden,
A sparkling youth in courtly guise—
A rural lad with spring-flowers laden—
To win to love the beautiful prize.

She takes (oh, simple girl) the former,
And sends the village swain away;
She'll find, alas! his cottage warmer
Than the proud dwelling of Jack Gray.

She married Jack, he spent his living
In thriftless aims and deadly brawls;
And she his wickedness forgiving,
Dwelt weeping in his lonely halls.

It seemed as if her soft form melted,
So thin and colourless she grew,
And they who saw how sorrow pelted,
Deem'd that her days on earth were few.

He died—but not till his last shilling
Had won the woman's cravings fed;
Had left her penniless, but willing
To earn by honest toil her bread.

She leaves the city and its glitter;
His grandeur left from peace apart;
Deem'd her native village fitter
To hide her broken hopes and heart.

She reach'd it;—scarce her mother knew her,
So blanch'd her cheek and sunk her eye;
And the old friends that gathered to her,
Deem'd 'twas a phantom flitting by.

They press'd her hands, and some are kissing—
Try every art to make her glad;
None from the joyful group are missing,
Even Willie comes, the baffled lad.

Hope and kind nursing to health bro't her,
Again the rose bloom'd on her cheek,
And lovers gay and wealthy sought her,
But grief has made her wishes weak.

She thanks them for her splendid proffers
Of jewels and rich trappings gay,
But says, she better likes the offers
That Willie makes the widow Gray.

THE REPOSITORY.

FROM THE WORCESTER MAGAZINE.

PORT ERIE.

"The shattered wall
Black with the miner's blast, upon her height,
Yet shows of what she was when steel and ball
Rebounding idly on her strength did light;
A tower of victory! from whence the flight
Of baffled foes was watched along the plain.
But peace destroyed what war could never blight;
And laid those proud roofs low to Summer's rain,
On which the iron shower for years had poured in vain."

Scarcely ten years have passed since the com-
motion of warfare raged along the northwestern
frontier of the United States, and those peaceful
inhabitants, separated by the broad stream, and
interchanging mutual offices of friendship, hos-
pitality, and kindness, were divided by the bar-
rier of hostility, and met only as foes, to seal
their union in blood. Yet even now, time has
obliterated the traces of desperate encounters,
and the visitor of this classic ground, needs an
admonition from the record of history to tell
him, that every step he treads is on the graves
of the slain; that the fields where the harvest
spreads its golden mantle, and the green grass
waves high, were the scenes of carnage; that
from each silent embrasure of the ruined for-
tresses the battle-gun poured out its iron hail:
and that the fair tree, bending so gracefully in
the summer wind has been nourished by the
purple current flowing from the hearts of the
brave. The luxuriant verdure of Erie, of
Chippewa, of Queenstown, and of Bridgewater,
springs from clay once animated by living valor;
and the reaper gathers up his sheaves of grain
where death has reaped on a nobler harvest.
The same careless forgetfulness that prompts
the merry song of the labourer on those wide
burial plains, has extended to our own country-
men. The memory of the departed slumbers
with the past; and we hold no solemn anniver-
saries to brighten the recollection of their great
actions. The names of the dead are seldom
heard, except from those who mourned, when
they fell, for the loss of some who were dear
in the circles of domestic and social affection.
The band of the survivors spared by the fight
is fast diminishing. Perry died on a foreign
shore; Decatur escaped the shot of the foe to
expire by the hand of a friend: the gallant Mac-
donough, who displayed our flag in triumph on
the waters of Champlain, has yielded to the slow
advances of wasting disease; and few will be
left to feel the moribund contrast between the
honours so warmly given in the hours of recent
success and the coldness of neglect. But the
duty of gratitude, so reluctantly performed by
this generation, may be safely trusted to pos-
terity: they will appreciate merits, and freshen
the laurels of the men who so well served their
country, and they will guard with equal veneration
the memories of Perry and of Nelson, and
keep with the same fidelity the fame of the
brave of our infant republic and the names of the
great of the proud monarchies of ancient days.
Around those spots which have been redde-
ned with the blood of our countrymen, there is
an attraction, which will often draw the travel-

ler from his path. The fields where the finger
of decay has wasted the traces of sanguinary
encounters, are still full of interesting associa-
tions. His temperament must be cold indeed,
who can tread where the youthful and the brave
have fallen like the summer leaves. There is a
silent eloquence in those spots, which stirs
the deepest feelings of the soul. We shall in-
cur no risk of exhausting the patience of the
reader so far, that no stock will remain for our
future draughts, if we carry him to one of the
scenes of carnage, and briefly trace the dim re-
collections of its history.

The fortress of Erie, during the late war with
England, was the theatre of gallant exploits, and
the scene of brilliant victories. The movements
of the contending armies in its neighbourhood,
were then watched with intense interest and
keen anxiety. This post is situated on the
northeastern shore of Lake Erie, in the province
of Upper Canada, about twenty miles above the
Falls, on a plain overlooking the magnificent
expanse of waters. Here the Niagara river
goes out, and its floods, confined in a narrow
and rocky channel, rush impetuously along.
On the American shore is the flourishing and
neat town of Buffalo, which, in the course of a
contest, marked on both sides by most disgrace-
ful and barbarous acts of wanton destruction,
and in this quarter diversified by deplorable in-
cidents of cruel outrage and individual suffer-
ing, was burnt by the British forces; but has
now risen in renewed beauty from its ashes, and
presents an animating picture of the effects of
enterprise, industry, and consequent prosperity.
On crossing from this village, we embark on
the foaming stream for a passage, rendered fear-
ful by the violence of the waves rolling down
from the lake, and the whirling and eddying of
the waters among the hidden rocks. So rapid
is the current, that the boat usually ascends
about three quarters of a mile, and notwith-
standing the almost exertions of the expert and
athletic oarsman, is frequently carried far below
the spot of its departure. A short distance down-
ward, in the midst of the river, is Grand Island,
smiling like another Eden, now well known as
the chosen spot selected by the self-constituted
Governor of Israel, for the metropolis of his
assumed empire, the asylum where the dispers-
ed tribes of the Hebrews should gather under
the shadow of his protection, and find an Ararat
of Refuge from the persecutions of the nations.
A short walk, along the margin of the English
territory, brings us to the military works, now
dilapidated and ruinous. In the centre stands
a heavy wall of solid materials, thirty feet in
height, pierced for artillery, still bearing the
dint of cannon balls, fired during the long siege
it sustained, and surrounded with numerous in-
trenchments. The principal gate-way was
through this piece of masonry, and was defend-
ed by a triangular mound, so situated as to com-
pel the assailants to advance in a direct line with
the range of the guns. On the East, a line of
defences extended down the lake, then turning
northward and running parallel with its margin,
and with the ramparts of the fort, it went far
onward. Northward was the front, where the
fortifications were constructed with the greatest
care. Two huge bastions projected towards the
plain, and with their connecting parapet
were joined to the walls. At their base was a
deep ditch, and the remains of batteries and
other parapets are thrown still further in ad-
vance. The plain beyond, is skirted by an an-
cient forest, under whose thickets were planted
the battering train of the British army. The
lofty trees are pierced with large holes made
by the passage of cannon bullets, and their shat-
tered trunks and mutilated bodies, still bear the
scars of the fight and the memorials of warfare.
Soon after the commencement of the war, in
May, 1813, this post was abandoned by the Brit-
ish, and occupied by the Americans. Before
the close of that year it fell again into the hands
of its former owners. On the 3d of July, 1814,
it was seized by Gen. Brown, and soon became
the seat of destructive warfare. The series of
bloody battles distinguishing the campaign of
that year, had enfeebled the army, and after the
carnage at Bridgewater, where one thousand
three hundred and eighty-four gallant men were
sent to render up their last account, or, linger-
ing under the torture of severe wounds, were
disabled from the pursuit of their dreadful pro-
fession, Gen. Ripley, the officer in command,
finding himself unable to keep the field against
a superior force, retired to Fort Erie, then
scarcely tenable. On the 3d of August, Gen.
Drummond, with a force of five thousand men,
invested the post, and despairing of success by
assault, commenced a regular siege. A cannon-
ade was opened and constant skirmishes took
place. The besieged laboured incessantly to
strengthen their position and increase their de-
fences. Many days were passed without deci-
sive action, while the one party were slowly
and cautiously making their approaches, and
the other patiently but actively preparing for
the reception of their foes. Gen. Gaines in the
mean time had arrived and taken command of
the fort. The armies lay within full view of
each other. The British camp was placed on
the margin of the woods, and its numerous tents
whitened the plain. The morning of the 14th
was bright and fair; the glittering of bayonets,
the waving of the long line of plumes, and the
gay dresses of the assailants mustered behind
their intrenchments, could be seen from the
fortress. No extraordinary movement foretold
the fearful events of the night that came on
dark and heavily. But many a soldier who at
evening had laid down to repose from his toils,
at midnight, when the trumpet sounded its sig-
nal note, started from his bed, to exchange the
visions of slumber for the dreamless sleep of
eternity. The British General had arranged
his forces in three columns for a desperate at-
tempt. About two o'clock in the morning the
advance of the first division was discovered

though the darkness, on the left of the garri-
son, where a line of brush hastily thrown up
was the representative of earth and stone.
They approached silently, when the blaze of
musketry flashed along the American line, and
the assailants recoiled before the destructive
fire. Rallied by the exertions of the officers,
they again advanced, and again were driven
back with terrible loss. A third time they re-
newed the attempt, but again, routed and bro-
ken, they were compelled to retreat. The se-
cond column advanced on the front: but there,
the artillery, at every discharge, swept through
their ranks; they paused, and in dismay follow-
ed their companions. The third division, eight
hundred strong, after a bold and equally ineffec-
tual assault, retired in confusion. Drummond,
unwilling thus to abandon his undertaking, con-
centrated his troops for another onset. The
darkness of night, made more thick by the
smoke of the battle, favoured his approach.—
Stealing silently along the ditch, on the eastern
side, the scaling ladders were applied, and he
mounted the parapet, shouting to his men to give
no quarter. The sanguinary order was obeyed,
and the bastion carried, after the slaughter of
its defenders. Lieut. Macdonough, wounded, and
faint with the loss of blood, called for mercy;
the sanguinary order was repeated; the spirit
of the dying man revived, and seizing a hand-
spike, he fought until the blood-thirsty officer
shot him with his own pistol. The murder was
soon avenged. After finishing this act of cool
barbarity he received a ball in his breast and
instantly expired. The enemies, notwithstanding
the loss of their leader, maintained their
position and repulsed the attempts to dislodge
their forces. The reserve was preparing to
move to their support, when suddenly an ex-
plosion burst from the magazine beneath the
battery where they stood, and the mangled
bodies of the soldiers, blackened with smoke
and scorched with flame, were seen, as they
were thrown to a great height, and fell amid
the masses of rock and timber, in the over-
whelming ruin. Thus ended the tremendous
encounter of that night. When the morning
sun rose on the scene of slaughter, two hun-
dred and twenty-two of the assailants were
stretched out on the field of death; one hun-
dred and seventy-four were wounded; and one
hundred and eighty-six remained as prisoners.
From this period, until the 17th of Septem-
ber, the siege was prosecuted with vigour.
Daily recruits of militia and volunteers arrived
to the support of the garrison, and Gen. Brown
having recovered from his wounds resumed the
command of the army. On that day, led on by
Miller, Ripley, Davis and Porter, the forces
made a sortie, one of those bold movements, de-
cisive of the fate of war. The beleaguering
corps were cut in pieces, their cannon destroy-
ed, their batteries blown up, their intrench-
ments prostrated, and they soon after abandon-
ed their position and retired to Fort George.
At the close of the campaign the fort was
dismantled, and Gen. Brown retired across the
river to his winter quarters.

The ramparts are now grass grown, and the
ditches choked with rank weeds. Along the
breast-work which guarded the shore of the
lake, the road to the village of Erie now passes,
and the defences which once sheltered our
countrymen from the death-shot are now level-
led, that the luxurious visitor may roll along
over its smooth highway. The miserable huts
of the emigrants are erected where the tents
of an army were once reared. The wall, once
lighted by the flash of musketry, and shaken
by the burst of cannon, now supports the roof
of a stable. No watch-fires blaze, and no sen-
tinel paces his weary round, within those lines
where desolation reigns. The little hillocks
and swelling turf on the plain around, which
mark the resting places of almost four hundred
brave soldiers gathered in the freshness of
youth and vigour of strength to the congrega-
tion of the silent, are fast diminishing in height
as the plough sweeps over the field of sepul-
chres. Every where destroying time is busy.
The scene presents an image of desolation. Yet
it has a melancholy beauty, particularly when
viewed by the dim light of a summer moon,
silvering wood and field, bastion and parapet,
grave and mound, and brightening the surface
of the lake whose waves roll and break on the
shore with a mournful murmur. L.

INSURANCE.

THE subscriber having been appointed Agent of
the

NEW-ENGLAND Fire Insurance Company,

incorporated for the express purpose of insuring
against losses or damage by fire, with a Capital of two
hundred thousand dollars, is now ready to receive pro-
posals for insurance, at a very low rate of premiums—
so that people may have perfect security from that
kind of loss which the greatest care and attention,
cannot always prevent, and which frequently reduces,
at once, affluent and independent families to
poverty and distress.

Payment for all losses will be made within thirty
days after the loss shall be ascertained and proved
without any deduction whatever. ASA BARTON.
Paris, Jan. 16, 1826.

COMMISSIONERS' NOTICE.

WE the subscribers having been appointed by the
Hon. BENJAMIN CHANDLER, Judge of Probate
for the County of Oxford, to receive and examine
the claims of the several creditors to the estate of
ELIJAH GILBERT, late of Turner, in said County,
yeoman, deceased, represented insolvent; do hereby
give notice, that six months from the twenty-fourth
day of January last, are allowed to said creditors to
bring in and prove their claims; and that we shall
attend that service at the dwelling-house of ALDEN
BLOSSOM, Innholder, in said Turner, on the second
Tuesdays of March, May and July, from one to five
o'clock in the afternoon of each day.

ALDEN BLOSSOM,
NATHAN COLE.
Turner, Feb. 4, 1826.

NOTICE.

THE subscriber informs his friends and the public
that he has re-commenced the

SHOE-MAKING BUSINESS

in Paris, where he intends to do his work in a good
and faithful manner, and handsome style, and on rea-
sonable terms. BENJA. F. CRAWFORD.
Paris, Feb. 9.

HOUSE & LAND FOR SALE.

THE subscriber offers for sale the Stand which he
now occupies—consisting of a good two-story
DWELLING-HOUSE, well finished, and in good re-
pair—containing four Rooms on the floor, four Cham-
bers, and a good Cellar. A WOOD-HOUSE, BARN, and
a two-story STORE, all finished. A good rain-wa-
ter Cistern, and a Well of water under cover. Three
fourths of an acre of LAND, including a Garden, &c.
Also, the West part of Lot numbered 15, in the
6th Range of lots in Paris, containing fifty-four acres,
well walled in, and is excellent grass and tillage
Land.

Also, seven small Lots of LAND—containing from
ten to twenty-one acres each—a part of which is as
good and well wooded as any in town, the other
is good pasture and tillage land, and is well
fenced on the road. Said Land is a part of Lot num-
bered 11, in the Fourth Range of Lots in Paris.

Likewise, one and a fourth acre of LAND, situ-
ated about three fourths of a mile from the Court-House
in Paris, on which is an excellent stream of water,
with a good fall, which, with a very little expense,
might be converted into one of the best situations for
a tanner, in the County.

The above property will be sold either together or
separately, as will best suit the purchaser, and on
terms which cannot fail to please. For further in-
formation, please call on the subscriber.

A plan of the above property may be seen by call-
ing on ASA BARTON, Esq. at the Oxford Bookstore.
RUSSELL HUBBARD.
Dec. 20.

COLLECTOR'S NOTICE.....Newry.

NOTICE is hereby given to the non-resident Pro-
prietors and owners of the following lots of Land,
in the town of Newry, County of Oxford, that they
are taxed in the bills committed to me the subscriber,
Collector of said town of Newry, for the years 1824
and 1825, in the respective sums following, to wit:

Owner's Name	No. of Lot.	Range.	No. of Acre.	Value.	Rate.	County Tax.	Rate.	Rate of Highway Tax for 1825.
Simeon Bailey,	2	4	200	100	11	53		
Moody,	2	4	100	50	5	76		
Steph. Randall,	1	4	100	50	5	76		
1825								
Simeon Bailey,	2	4	280	100	1	70		
Moody,	2	4	100	50	0	86	1	05
Steph. Randall,	1	4	100	50	0	86	1	05

Unless said taxes and all intervening charges are
paid to me the subscriber, on or before Saturday the
twenty-fifth day of March next, so much of said land as
will satisfy the same, will then be sold at Public Ven-
ue at the School-house in the South District in said
Newry, at one of the clock in the afternoon of said
day.

ANDREW N. STOW,
Collector of Newry.

Newry, Feb. 7, 1826.

COMMISSIONERS' NOTICE.

WE the subscribers having been appointed by the
Hon. BENJAMIN CHANDLER, Judge of Probate,
to receive and examine the claims of the creditors
to the estate of DAVID SESSIONS, late of Andover
Surplus, in said County, deceased, represented in-
solvent, do hereby give notice, that six months are al-
lowed to said creditors to bring in and prove their
claims; and that we shall attend that service at
AXOS HILLS, Esq. of Newry, on the first Tuesday of
March, first Tuesday of May and the first Tuesday
of July, at one of the clock, P. M.

ELI TWITCHELL, } Commissioners.
AXOS HILLS,
Dated at Bethel, January 27, 1826.

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